

EXHIBIT A

ADA Kyles Reeves' November 30,
1994, Secret Motion For A Material
Witness Warrant, And Resultant
Material Witness Order And Warrant

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS : CRIMINAL TERM

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THE PEOPLE OF THE STATE OF NEW YORK,

- against -

GREGORY ELLIS,

Defendant.

AFFIRMATION IN SUPPORT
OF THE PEOPLE'S MOTION
FOR A MATERIAL WITNESS
ORDER

Ind. No. 6587/94

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KYLE C. REEVES, an attorney duly admitted to practice law before the courts of the State of New York, hereby affirms the following to be true under the penalties of perjury:

1. I am the Assistant District Attorney in Kings County, and am familiar with the facts and circumstances of the within action by virtue of a review of the case file maintained by the Kings County District Attorney's Office.

2. The within defendant has been indicted under Kings County Indictment Number 6587/94 and charged with two counts of Murder in the Second Degree (P.L. §§ 125.25[1],[2]), Criminal Possession of a Weapon in the Second Degree (P.L. § 265.03) and Criminal Possession of a Weapon in the Third Degree (P.L. § 265.02), stemming from an incident occurring on January 1, 1994, when the defendant, together with two other apprehended others, fired handguns at John Steadman, and so caused his death. Richard Rivera was an eyewitness to the shooting incident, and has previously testified in all three Grand Jury proceedings, and at a Rodriguez hearing conducted before this Court on November 23, 1994.

3. Richard Rivera possesses information which is material to this action. Indeed, Richard Rivera is an eyewitness in this case, and based upon conversations had with him by myself, if Richard Rivera were to testify at the trial of this case, his testimony would make out all of the elements of the crimes with which the defendant is charged. Mr. Rivera was present when the car in which the defendant and his two accomplices opened fired at John Steadman and subsequently identified all three defendants.

4. Richard Rivera has been in an unsupervised custody for purposes of his safety for the past three weeks. Mr. Rivera previously appeared at the trial of this matter on November 23, 28 and 29, 1994. Richard Rivera has failed to appear voluntarily at the Office of the District Attorney today, November 30, 1994. Based upon telephone conversations had with the witness this morning, Mr. Rivera made it clear to me in those conversations that he would not respond and appear in court to complete his testimony today.

5. The foregoing demonstrates that Richard Rivera is a material witness in this matter pending before the Supreme Court of Kings County, and that he possesses information material to its' determination. Moreover, it is clear that Richard Rivera will not testify voluntarily nor will he comply with any subpoena seeking his attendance at this proceeding. Any service on this witness will be futile, and in fact, may facilitate him leaving the jurisdiction in an effort to avoid service.

6. No previous application for this relief has been made before any other justice, judge, or magistrate in the action presently pending before this Court.

WHEREFORE YOUR AFFIRMANT RESPECTFULLY REQUESTS an order of this court in pursuance to section 620.20 and 620.30 of Criminal Procedure Law for an order adjudicating Richard Rivera a material witness in this action and fixing bail to secure future attendance herein,

AND FURTHER for the issuance of a warrant to a police officer of the City of New York directing such police to take Richard Rivera into custody within the State of New York, and to bring him before the Court forthwith.

Dated: Brooklyn, New York
November 30, 1994



Kyle C. Reeves
Assistant District Attorney

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS : CRIMINAL TERM

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THE PEOPLE OF THE STATE OF NEW YORK,

- against -

GREGORY ELLIS,

Defendant.

MATERIAL WITNESS ORDER

Ind. No. 6587/94

-----X

Appearing from the annexed affirmation of Kyle C. Reeves,
sworn to on the 30th day of November, 1994, that there is
reasonable cause to believe the existence of facts warranting the
adjudication of Richard Rivera as a material witness,

Further appearing that there is reasonable cause to believe
that Richard Rivera would be unlikely to respond to an order
directing him to appear before this court at a designated time, it
is now on motion of Kyle C. Reeves, an Assistant District Attorney
in and for the County of Kings, Brooklyn, New York,

ORDERED that a warrant be issued addressed to any police
officer of the City of New York directing that he or she take
Richard Rivera into custody within the State of New York and bring
him before the court forthwith in order that a hearing may be
conducted to determine whether he is to be adjudged a material
witness.

The within order is hereby granted.

Dated: Brooklyn, New York
November 30, 1994

Justice of the Supreme Court
of the State of New York

ENTERED

By: Kyle C. Reeves, Assistant District Attorney - Kings County

WILBUR A. LEVINE
COUNTY CLERK

STATE OF NEW YORK)
)
COUNTY OF KINGS)

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK
TO ANY POLICE OFFICER OF THE CITY OF NEW YORK

An Order having been signed on the 30th day of November, 1994, in the Supreme Court of the State of New York, County of Kings commencing a proceeding to determine whether or not Richard Rivera be adjudged a material witness in the case of People v. Gregory Ellis, pursuant to Section 620.30(B) of the Criminal Procedure Law.

YOU ARE THEREFORE COMMANDED FORTHWITH, to arrest the above named Richard Rivera within the State of New York and bring him before this court for this proceeding.

Dated: Brooklyn, New York
November 30, 1994

